DOCUMENT RESUME

ED 315 864 EA 021 578

AUTHOR	Aurnague-DeSpain, JeanMarie; Baas, Alan
TITLE	Censorship of Curriculum Materials. ERIC Digest Series Number EA44.
INSTITUTION	ERIC Clearinghouse on Educational Management, Eugene, Oreg.
SPONS AGENCY	Office of Educational Research and Improvement (ED), Washington, DC.
PUB DATE	89
CONTRACT	RI88062004
NOTE	4p.
AVAILABLE FROM	Publication Sales, ERIC Clearinghouse on Educational Management, University of Oregon, 1787 Agate Street, Eugene, OR 97403 ($2.50 prepaid postage and handling).
PUB TYPE	Information Analyses - ERIC Information Analysis Products (071)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Academic Freedom; *Censorship; Curriculum Evaluation; Elementary Secondary Education; *Instructional Effectiveness; *Instructional Materials; Intellectual Freedom
IDENTIFIERS	ERIC Digests

ABSTRACT

What schools should teach and what materials they should use are fundamental questions. Censorhsip of K-12 curriculum materials threatens academic freedom, diversity of thought, and other important educational values. The definition of censorship is itself the subject of disagreement. Censorship cannot be clearly distinguished from the gatekeeping function that is exercised by those who select materials for use in schools. The legal trends in censorship issues, as they can be deduced from Supreme Court cases, are very broad and appear to be allowing schools broad discretion with respect to curriculum materials, methods, and programs. Good internal communications and public relations offer the best way to avoid unnecessary controversy. The district must specify criteria for making curriculum judgments, identify personnel to make those decisions, and provide written rationales for including or excluding potentially controversial materials. Educators should follow clearly defined procedures from initial response to a complaint through to its resolution. (8 references) (SI)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ERIC Clearinghouse on Educational Management

ERIC Digest Series
Number EA 44 • 1989

CENSORSHIP OF CURRICULUM MATERIALS

By JeanMarie Aurnague-DeSpain and Alan Baas

ED315864

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

EA021578

BEST COPY AVAILABLE

ERIC Clearinghouse on Educational Management

ERIC Digest Series Number EA 44 • 1989

CENSORSHIP OF CURRICULUM MATERIALS

By JeanMarie Aurnague-DeSpain and Alan Baas

What schools should teach and what materials they should use are fundamental questions that cannot be answered easily in a democracy. Some believe censorship of K-12 curriculum materials threatens academic freedom, diversity of thought, and other important educational values. For example, Henry Reichman (1988) argues that censors "produce a sterile conformity and a lack of intellectual and emotional growth in students." Others see a need for a censorship process in education and believe "children are being harmed from our failure to protect them from the tension of premature adulthood" (Edward Wynne 1985).

A comprehensive report published by the National School Boards Association (Linda Chion-Kenney 1988) indicates that censorship challenges are widespread (occurring in almost every state) and effective (almost one-third of them resulted in materials being removed from schools or their use restricted). Ultimately, Chion-Kenney asserts, "the challenge is not to avoid censorship, but to meet it head on with adequate policies and procedures that provide an open forum for deciding what should — or should not — take place in public schools."

What Constitutes Censorship?

The definition of *censorship* is itself the subject of disagreement. In a democracy, it is customary for decisions to be made by majority rule. How can those who hold to minority viewpoints seek to have their concerns addressed by the schools without being labeled "censors"? Likewise, how is the professional judgment (and at the secondary level, academic freedom) of educators to be weighed against the desires of the community and parents that their children not be exposed to certain materials or experiences?

Reichman defines *censorship* as "the removal, suppression, or restricted circulation of literary, artistic or educational materials . . . on the grounds that these are morally or otherwise objectionable in the light of standards applied by the censor." Yet, as Chion-Kenney points out, "virtually any decision made by school board members concerning what is taught, used, and learned in school can be viewed as the act of a censor."

Meanwhile, out in the field, censorship issues continue to arise, most typically regarding sex and drug education; "secular humanism" materials; teaching evolution without attention to creationism; literature portraying children in conflict with parents or authorities, women in nontraditional roles, or "negative thinking" by people in minority or alienated roles; and "invasions of privacy" — any assignments (such as journals) in which students are asked to examine their personal backgrounds.

What Is the Relationship Between Censorship and Selection?

According to one point of view, censorship cannot be clearly distinguished from the gatekeeping function that is exercised by those who select materials for use in schools. One of the goals of selection, say adherents of this position, is that of protecting children from material judged to be inappropriate. "It is right," argues Wynne, "for us to restrict their choices among media materials or prohibit self-seeking adults from selling certain such materials." Others question the wisdom of excluding topics from guided discussion at school when students are exposed to a barrage of information about controversial subjects through other sources, such as the media.

To prevent selection decisions from becoming synonymous with endorsement of content, they should be guided by sound, clearly stated policy. "Intelligent selection," according to Reichman, should balance the concerns of a wide variety of groups and be carried out by trained professionals who "take into account and work with community and parental concerns" and maintain "a high tolerance for our national diversity." The selection process favors majority involvement; when it either disregards or fails to allow for minority rights, censorship issues make their appearance.

What Are the Legal Guidelines?

The legal trends in censorship issues, as they can be deduced from Supreme Court cases, are very broad and tend to support the schools, but they embody a stern warning to educators to stay in touch with the communities they are supposed to be serving.

The First Amendment applies to both "the students' rights to know and the teachers' rights to academic freedom," says Edward Jenkinson (1986). But parents also, he argues, "have the right to protest," particularly regarding materials they consider detrimental to their children or unsuitable for students in general.

In the landmark case *Island Trees Union Free High School v. Pico* (1982), the Court ruled that the school board had to give a legitimate reason for removing a number of books from its library. Six years and three court battles later, the banned books were returned to the shelves after the Court declared that the "Constitution does not permit the official suppression of ideas" (Barbara Parker and Stefanie Weiss 1983, Jenkinson 1986).

While the courts appear to be allowing schools broad discretion with respect to curriculum materials, methods, and programs, Franklyn Haiman (1987) points out that "there are limits to this discretion. It is not permissible to promote politically partisan or narrow

EA 021 671

ideological views, it must not violate contractual obligations, and it must basically respect due process rights of both students and teachers." Thus, in the *Pico* case, Justice Brennan's plurality opinion indicated that the use of "established, regular, and facially unbiased procedures for the review of controversial materials" would help to provide a basis for resolving such conflicts both locally and, when need be, in the courts.

How Can School Officials Avoid Controversy?

Good internal communications and public relations offer the best way to avoid unnecessary controversy. Districts need sound written policies, procedures, and criteria that are "developed cooperatively by teachers, administrators and school board members, with formal approval given by the Board" (Haiman).

The district must specify criteria for making curriculum judgments, identify personnel to make those decisions, and provide written rationales for including or excluding potentially controversial materials. These policies should be reviewed yearly. Broad support should be sought from local, state, and national organizations that are committed to academic freedom.

In developing community support, Larry Mikulecky (1981) suggests several strategies:

- Work to dispel the idea that only one text can be used for a specific skill or theme.
- Invite parents to participate in developing school reading programs.
- Give suggested, rather than required, reading lists.
- Develop files of professional reviews for the support of materials.
- Ask for clauses in collective bargaining agreements that protect academic freedom and require agreed-on selection policies and procedures.

When Controversy Occurs, How Can It Be Handled?

According to NSBA deputy general counsel Gwendolyn Gregory, a school board might win a case legally, "but lose it in the court of public opinion" (Chion-Kenney). She urges officials to "keep a distance" from their personal beliefs, concentrate on what is "educationally sound," and not get lost in trying to avoid legal problems. "You can't avoid lawsuits," Gregory says, "but you can avoid losing them." To do so, school boards need to gather the real facts in each situation: "Listen to people's complaints, follow up, don't accept as truth the conclusions of others, understand where they are coming from, and investigate."

Educators should follow clearly defined procedures from their initial response to the complaint through to its resolution (Haiman, Essex, Chion-Kenney):

- Meet with the complainant and try to resolve the issue informally.
- Failing that, ask for a written complaint specifying in detail (page citations, quotes, and so forth) the questionable material, the negative effects that material is believed to have on students, and what replacement materials are recommended.
- Provide a copy of published district policies for controversial materials and explain the procedures to be followed.
- Assign a review committee to provide the school board with a final report.
- Inform the complainant of the review process and when committee meetings are scheduled.
- Provide for an appeals process.
- While the complaint is being investigated, the controversial material should remain available, except possibly to the student whose family has filed an objection.

The courts have made it clear that the school board has the ultimate legal responsibility for the district (Haiman). School officials operate only with powers delegated to them by the board. Accordingly, school boards must stand ready to receive appeals in a careful and defined manner. Above all, the NSBA position (Chion-Kenney) is to think positively and maintain a strong faith in the democratic process. Handling complaints can help schools gain a balanced view on controversial issues. "As a check both on unavoidable human error and on the occasionally arbitrary exercise of authority, such challenges may be viewed as an essential element in the overall selection process."

RESOURCES

Asheim, Lester. "Not Censorship But Selection." WILSON LIBRARY BULLETIN (Fall 1953).

Chion-Kenney, Linda. CENSORSHIP: MANAGING THE CONTROVERSY. Alexandria, VA: National School Boards Association, 1989. 88 pages. ED number not yet assigned.

Haiman, Franklyn S. "School Censors and the Law." COMMUNICATION EDUCATION 36 (October 1987): 327-38. EJ 364 389.

Jenkinson, Edward B. THE SCHOOLBOOK PROTEST MOVEMENT: 40 QUESTIONS AND ANSWERS. Bloomington, IN: Phi Delta Kappa Educational Foundation, 1986. 137 pages. ED 272 975.

Mikulecky, Larry. "The International Reading Association's Role in the Politics of Censorship." Paper presented at the annual meeting of the International Reading Association, New Orleans, LA, April 27-May1, 1981. ED 205 934.

Parker, Barbara, and Stefanie Weiss. PROTECTING THE FREEDOM TO LEARN: A CITIZEN'S GUIDE. Washington, DC: People for the American Way, 1983. 122 pages. ED 240 035.

Reichman, Henry. CENSORSHIP AND SELECTION, ISSUES AND ANSWERS FOR SCHOOLS. Arlington, VA: American Association of School Administrators; and Chicago: American Library Association, 1988. 141 pages. ED number not yet assigned.

Wynne, Edward A. "The Case for Censorship to Protect the Young." ISSUES IN EDUCATION 3,3 (Winter 1985): 171-84. EJ 335 768.

A Product of the ERIC Clearinghouse on Educational Management
College of Education, University of Oregon
Eugene, Oregon 97403

This publication was prepared with funding from the Office of Educational Research and Improvement, U.S. Department of Education, under contract No. OERI R188062004. The ideas and opinions expressed in this Digest do not necessarily reflect the positions or policies of OERI, ED, or the Clearinghouse. This Digest is in the public domain and may be freely reproduced.

EA 021 578